



D. S. SNURE
PATENT
1148-1-002CIPF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Alexander D. Romaschin and Paul M. Walker

SERIAL NO.: 10/614,678

EXAMINER: Duffy, Patricia Ann

FILED: July 7, 2003

ART UNIT: 1645

FOR: MEASUREMENT OF ANALYTES

Certificate of Mailing Under 37 CFR 1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail and in an envelope with sufficient postage addressed to COMMISSIONER FOR PATENTS, P.O. Box 1450, Alexandria, VA 22313-1450 on October 30, 2006.

Lois A. Snure
(Name of Person Depositing)

Lois A. Snure 10/30/06
(Signature and Date)

PETITION PURSUANT TO 37 C.F.R. 1.55(c) TO ACCEPT A DELAYED CLAIM FOR
PRIORITY UNDER 35 U.S.C. 119(a)

Mail Stop: PETITION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The Examiner indicates that the priority claim to the original Canadian patent application is defective as submitted too late in July, 2004. Petitioners hereby petition for acceptance of the delayed claim for priority under 35 U.S.C. 119(a) which claim to priority was made in an Amendment and Response filed on July 7, 2004. Petitioners submit that the instant application is a Continuation-in-Part of Application Serial Number 09/585,582 which is a Continuation-in-Part of Application Serial Number 09/353,189, now U.S. Patent No. 6,306,614; which is a Continuation-in-Part of Serial No. 08/552,145, filed November 2, 1995; now U.S. Patent No.

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5,804,370; which is a Continuation-in-Part of Serial No. 08/516,204, filed August 17, 1995, abandoned; which is a Continuation-in-Part of Serial No. 08/257,627, filed June 8, 1994, now abandoned, which is a national stage entry of PCT/CA94/00325 filed June 8, 1994, and which claims priority under 35 U.S.C. 119(a) of Canadian Application Serial No. 2,097,952, filed June 8, 1993. Petitioners hereby petition for acceptance of the priority claim under 35 U.S.C. 119(a) to Canadian Application Serial No. 2,097,952, filed June 8, 1993.

Petitioners submit herewith a check in the amount of \$1,370.00 representing the surcharge required pursuant to 37 C.F.R. 1.17(t). It is believed that no additional fees are due, however, if any additional fees are due, please charge our Deposit Account No. 11-1153.

Petitioners state that the entire delay between the date the claim was due under 37 C.F.R. (a)(1) and the date the claim was filed (first on July 7, 2004 in an Amendment and Response and second on this date) was unintentional.

Conclusion

Acceptance of the petition is hereby requested, and grant of the petitioned relief is hereby sought. Should a discussion be helpful in resolving any outstanding issues, please telephone the undersigned at (201) 487-5800.

Respectfully submitted,


J. David Smith
Attorney for Applicants
Registration No. 39,839

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411 Hackensack Avenue
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Lois A. Snure
(Name of Person Depositing)

Lois A. Snure 10/30/06
(Signature and Date)

RESPONSE TO COMMUNICATION

Box Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

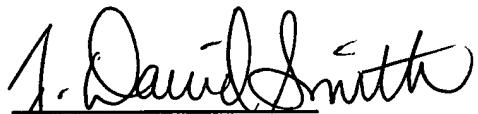
This is in response to the Communication mailed from the USPTO on October 24, 2006 setting a one month period from response thereby making the due date November 24, 2006. A Petition and the fee pursuant to 37 C.F.R. 1.17(t) are included herewith. It is believed that no additional fees are due in connection with this submission. However, if any fees are due, please charge our Deposit Account No. 11-1153. Applicants first made a claim to priority to include the first filed Canadian patent application on July 7, 2004, after it was due. As such, Applicants must petition for acceptance of a late claim to priority. Such a proper petition requesting that relief is submitted herewith thereby overcoming any deficiencies in the Amendment and

Response filed on August 16, 2006.

Conclusion

It is believed that upon grant of the Petition, all claims will be in condition for allowance. Should a discussion be helpful in resolving any outstanding issues, please telephone the undersigned at (201) 487-5800.

Respectfully submitted,


J. David Smith
Attorney for Applicants
Registration No. 39,839

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